1933

Department of Revenue

OFFICE Bd. of Revenue

STATION Madras

Mis No. 1439

1439

B 5509/32.

Dated 22 - 5 - 33

To whom sent	Date	Initi
	Given for copying	
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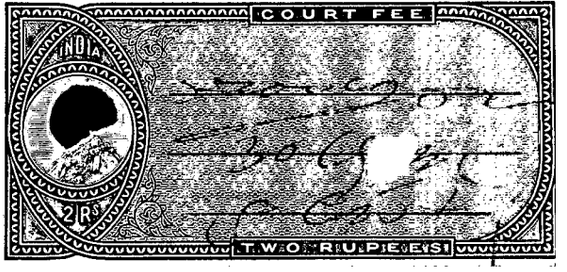
Pages in the file	To be destroyed on*	

DESTROYED
25 MAY 1933

(SUBJECT.)

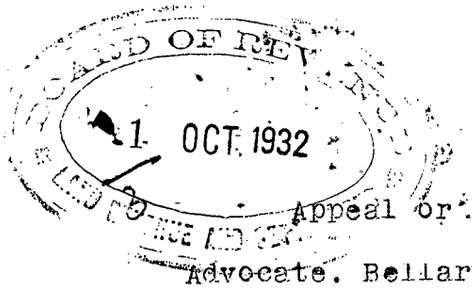
Assessment - Ground-rent - (Bellary) - Bellary Tk. & town - Blake's choultry waram lands - Extension of buildings - Enhancement - Tirupakrishna Rao Pant ... Appeal - ~~Orders passed~~. (Mis. addl. modified.



To

The Honourable the Members of the Board of Revenue Madras.

Madras.



Appeal or Revision Petition of H. Timmakrishna Rao Advocate. Bellary, plot-holder in what is known as Blake's Choultry Inam lands in Bellary town, against the ennancement of Ground-rent on alleged extension of building within the site allotted to the petitioner under Section 10. Madras Land Encroachment Act III of 1905.

Humbly Sheweth

That your petitioner is the owner of the Northern most plot of about 4 Acres adjoining the Railway line near the 2nd Railway level crossing from Bellary Railway Station towards Guntakal and has been paying a ground-rent of Rs. 12- an acre from the date of the last re-settlement of 1925. He and other plot-holders of the "Blake's Choultry Inam" have been petitioning the Collector to reduce this exorbitant rate to Rs. ~~8~~ 6-4-0 per acre which is the maximum rat all Districts resettled after the Bellary District, in which exorbitant rent on worthless land has been levied unfairly.

2. The history of the resumption of the "Blake's Choultry Inam" through G.O. No. 2822 Rev. dated 22-9-1913 and G.O. No. 3577 Rev. dated 9-11-1912, Miss. is well within the knowledge of the Board of Revenue. It has been a forcible resumption from the beginning

3. Your humble petitioner is the one man who has ~~been~~ consistently from the beginning neither allowed any other person to build in his site nor allowed any stranger to occupy building in his site and has had to suffer for the fault of other plot-holders who have benefited themselves in ~~xxxxx~~

various ways.

4. Owing to the Plague in Bellary which continued for a long time after 1901, your petitioner and others were the pioneers in town extension work in Bellary Town, and your petitioner has confined himself to having the smallest hous in the biggest area that has been allotted to any of the plot-holders, therefore having a big compound and no congestion whatever.

5. The petitioner has now received a notice dated 1-8-37 (received 2 days later) from the village Reddy of Bellary herewith submitted that he has to pay on what is called additional buildings an extra charge of Rs. 2/- over and above his original ground rent of about Rs. 38/- a year for the 8 Cents alleged to be newly built upon at the rate of Rs. 25/- an acre for the offence of building without permission in violation of the condition of a title deed said to have been granted to him while as a matter of fact no title deed has been granted to him and he has subscribed himself to no conditions. The petitioner also denies the correctness of the area of the alleged newly built portion being 8 Cents while the area of his whole built portion now forth coming is only about 10 Cents as shown in the margin. It is impossible to see how these 8 Cents of excess building is made out.

6. The enhancement above referred to purports to be under the Madras Land Encroachment Act which does not and can-not apply to land vesting in your petitioner but can apply only to land which is the property of the Government (Vide Section 2 of the Act.)

7. The Collector's order seems to think that the Madras Town Planning Act which was passed in 1920 can apply to lands allotted as sites in 1913, and this the petitioner to contest, is not correct.

8. Coming to the merits, the petitioner having built a small house occupying about 5 plus 3 Cents or nearly 8 Cents of ground in a big site of about 4 Acres had put u

thatched pandals for his carriage and horse and for his cattle. These thatched portions were since tiled-over, and the Tasildar that came for inspection has been informed that these were no new extensions but only thatched portions newly tiled-over and the petitioner bonafide believed that any permission was not required as no additions were being made. As a matter of fact in about 4 Acres now allotted to him, the portion occupied by the main building is 50'X 45' and the so called new extension was an old thatched room 30' X 23' and the cattle shed which is far removed from the residential quarters is about ~~70' by 15' or so.~~ 50'x 20' + 27'x 12'. The exact present extent is given in the margin above. So there

for which charge is made

itable to prevent

him from converting a few thatched rooms into tiled ones for his convenience and charge additional and enhanced ~~xxxxx~~ penal ground rent of Rs. 25/ per acre under the inapplicable provisions of the Land Encroachment Act, without giving him an opportunity to state his case or test the truth of the allegations made against him behind his back.

9. Even if the matter came under the Encroachment Act the correct procedure as laid down ~~xx~~ by Section 7 of the Encroachment Act has not been followed, as no notice requi under it was served and no legal inquiry held.

10 The whole of Blake's Choultry " Inam site has sorrounding got Inam lands on which buildings have arisen. There the holder-owners pay 6 to 8 Annas an acre on those sites. Blakes Choultry landowners were made to pay Rs. 12-8-0 an acre which itself is unexampled and disproportionate to wha the other Inam lands pay and hence it affects the market value of the house and lands thereon. Once the land was vested in the plot-holders by the Government, the Collector has no authority to dictate the size of the building or further build ng which is left to the Municipality, and those that extend

buildin, or build anew do so with Municipal License and the Collector's order to watch over buildings etc is Ultra-Vires and illegal.

11. The order if any that no extension ought to be made is without meaning. At the time this injunction was ordered the houses were yet in building. Some half done and some be--gun and there is no limit prescribed upto which they should build. The reasonable interpretation was that there should be no over--crowing and nothing more. The order was too vague and illegal to be enforced, and it was not accepted by the ~~can only be called vacarious punishment~~ Site holder.

12. Even if the matter of the present enhancement was one within the powers of the Collector which your humble petitioner begs to deny, the matter is so trivial that the pr--sent enhancement on already exorbitant ground rent area, was uncalled for, and the original orders were never meant to be used so unfairly and inequitably specially against this applicant who begs to dispute the correctness of the so called trespass--ed area, who has not parted with any even the smallest plot to others.

13. Your humble petitioner has learnt recently from the Karnam that in making out the new portion built, the Offi--cials that reported took into account the area of tro rooms which had been temporarily built by the side of the Vanka (Water Channel) running South of the petitioners plot which had to be completely demolished and which is not existing or the last 4 or 5 years. If this is the fact, it is simpl bove comprehension and can only be called unjust ~~vharious~~ punish--ment.

14. After the suprising order from the Peddi your petitioner had to aprly to the Collector for the main order sub-mitted herewith against which this appeal or revision is base- the whole order of the Collector was brought to the nowledge of your petitioner on or about 3-8-32. your peti-

petitioner begs that the delay if any in filing this appeal may be kindly excused and this may be considered as an appeal ~~or~~ Revision. /and if that is not so as a petition/

15. Under the above circumstances the petitioner prays that the matter may be ~~fx~~ fully inquired in the presence of the petitioner on all the points urged in the above petition and the wrong enhancement on the incorrect area of 6 cents of excess building may be kindly remitted

16. That as the execution of the order is threatened the petitioner begs that the execution may be stayed pending the decision in this appeal.

Address of the petitioner

14. Venumakuthuva Rao

Advocate. Satyanarayanpet

Bellary

Notice

To Thimanbhai Ishwarlal
Advocate, Satyagrahashram
Bolliay,

As you have effected some improvements to your bungalow without previous sanction a penalty of Rs 2/- has been levied. If you do not pay the amount before 3.8.32 your [illegible] will be taken.

Collector's C.A. No 85/5

Proceedings of the Collector, Bellary

R.Dis.C 3366/31 dated 14.5.1932

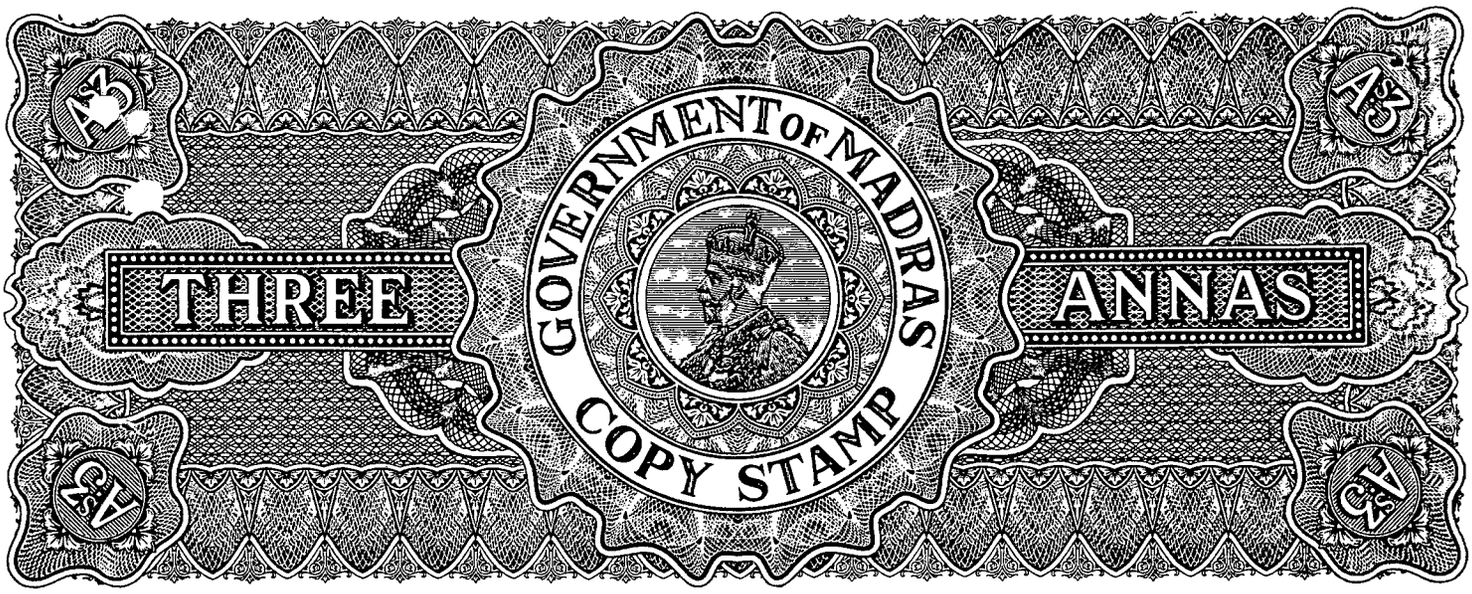
Subject:- Assessment – ground rent – Bellary town – Blake's shoultry inam lands – extension of buildings – enhanced

Bellary Revenue Divisional officer's W.Dis. 2576/31 dated 11.3.1932

——: Order :——

It has been brought to the notice of the collector that the assignees of some plots in the Blake's shoultry inam land have made unauthorized extensions to their buildings violating the conditions of the Title deeds granted under Government Order No 2822 Revenue Department dated 22.9.13 and no satisfactory reasons are shown by them for their unauthorized action. The collector therefore hereby direct that the assignees do pay enhanced ground rent at Rs 25/- per acre on the extensions so made.

2. A statement showing the names



names of persons, the nature of extensions made and the enhanced assessment charged is enclosed. The Tahsildar should see that entries are immediately made in the village and Taluq accounts and the amount is brought to demand and collected from the current fasli.

3. With reference to para 4 of his report the Revenue Divisional Officer is informed that building is prohibited till the Municipality have notified a Town planning scheme and all attempts to build should be watched and stopped at once.

4. The Revenue Divisional Officer is requested to address the Chairman, Municipal Council about the site occupied by the Girls' school and submit an alienation statement.

(sd) A. Galletti
14.5.32
Collector.

(True copy)

14.9.32
Try by Collector

9.932

Read B.No. 5509/42 ~~1928~~ --Q.

Forwarded to the Collecto

of Penang for submission of

the records with/remarks ~~on any alle-~~

gations in the petition which are not

clearly dealt with in the records.

DESPATCH
10 OCT 193

Ref C.M. 5758/32 A 2

Bellary Collector's Office

Dated 17th April 1933

From

F. W. Stewart Esqr. C. I. E., I. C. S.,

Collector of Bellary.

BOARD OF REVENUE
21 APR 1933
LAND REVENUE AND SETTLEMENT

To

The Secretary to the

Board of Revenue,

Land Revenue and Settlement,

Madras.

Enclosure
2 Plans.
This Note Ref
2366/2(
5-10-20.

Sir,

Reference:-- Board's reference B.No. 5509/32-1 dated 7-10-32.

Assessment - ground-rent- Bellary Taluk and Town Blake's Choultry Inam lands- Extension of buildings - Enhancement- Petition of Thimmakrishna Rao.

In resubmitting the appeal petition of M.R.Ry., H. Thimmakrishna Rao, I beg to report as follows:--

2. While resuming the land covered by T.D. 2698 of Bellary the Government were pleased to order in their G.O. No. 3377 Rev. dated 9-11-12 that the land already built upon should be assigned as town-site to the present alienees, on payment of reasonable ground-rent. The appellant was one of the assignees. An extent of 3-29 Ac. Ch. was ordered to be assigned to him on House-site Patta (in Collector's D.Dis. 87 Confl dated 9-10-13) subject to the conditions in G.O.No. 2822 Rev. dated 22-9-13 communicated with B.P. 3743 Mis. Confdl 166 dated 2-10-13; One of them being that if further buildings were constructed without the Collector's approval the ground-rent fixed for the land would be enhanced. In conformity with these orders all the buildings were then surveyed and a combined sketch of all the buildings existing then was prepared.

4151-154 of (X)
M-13-14 of (M)
(M)
Nos of (X)

3. In 1920 it was discovered that the appellant had raised further buildings over an extent of 4 cents and Mr. Moscardie ordered that assessment at Rs.12-8-0 per acre should be charged and that future unauthorised extensions should be charged at Rs. 25/- an acre (Please see R.Dis 2366/20).

4. In 1931 there was a further extension of 5 cents, and this together with the extension in 1920 was treated as an unauthorised one and Mr. Galletti charged an enhanced ground-rent of Rs.2/- thereon at Rs..25/- an acre. It is against this order that the appellant has filed this appeal.

5. Paras 2 to 4 of the appeal deal with the question of the enhancement of the ground-rent from Rs.6-4-0 to Rs.12-8-0 at the resettlement. This enhanced rate was levied by the Settlement staff and I have no remarks to offer on this point. The contention of the appellant in para 5 of the appeal is that there have been no further extensions. This is belied by the sketch prepared in 1914 which shows that the extent occupied was only 10 cents while the building and the unauthorised extensions now measure 18 cents as can be seen from the calculation sheet enclosed. The appellant raised no objection when the enhanced assessment at the rate of Rs.12/8/0 per acre was charged for the un-authorised constructions in 1920. The statement of the appellant that the buildings occupy only about 10 cents is not correct. In paras 6, 9, 10, 11 & 12, the appellant questions the validity of the charge for the reason that the Land Encroachment Act does not apply in this case. In fact, this act was not applied, but enhanced ground rent was charged in conformity with the orders of Government in 1913. The land was ordered to be assigned to the appellant in G.O. No. 2822- Revenue dated 22-9-13 subject to a specific condition that no further building should be raised without the approval of the Collector. The petitioner has violated this order and the enhanced charge is therefore properly levied. The petitioner's allegation that Town Act does not apply is beside the point

appears to have meant that when the council assumes control the G.O. of 1913 can be modified. The sketches of 1914 and 1931 conclusively prove that the appellant made extensions from time to time contrary to the terms of grant. He has therefore no cause of complaint. The appeal may be dismissed.

R Galletti 17.4.33.

Collector.

CR for 18/4

K.K.R. 18/4

Exd.

Calculation sheet.

Extent of the Buildings as existed in 1914.

15	x	16	;	~~180~~ 240	sq. links.
7	x	12	;	84	,,
105	x	18	;	1890	,,
28	x	18	;	504	,,
26	x	10	;	260	,,
32	x	29	;	928	,,
75	x	68	;	5100	,,
23	x	13	;	299	,,
20	x	18	;	360	,,
13	x	5	;	65	,,
		Total		~~9670~~ 9730	sq. links or 10 cents.

Extent of the extensions of buildings as discovered in 1920 and 1931.

25	x	3	;	75	sq. links.
58	x	54	;	3132	,,
52	x	14	;	728	,,
19	x	13	;	247	,,
18	x	16	;	288	,,
80	x	44	;	3520	,,
		Total		7990	sq. links or 8 cents.

C.R. for Collector.
18/4

Draft.

Assessment - Ground - rent - (Bell
- Bellary Tk and Town - Blake
Choultry main land - Extension
of buildings - Enhancement -
Thumma Krishna Rao Abby -
Petition

B of S Ref B. 5509-32-1 dy 7.10.32 -
B. 2106/33 - Q
Ref B. 5509-32-2 dy 29.4.33

The appeal petition and its
enclosures forwarded to the Coll r
with the Board's Reference read
above have not been resubmit
with the Coll r's letter. He is request
to resubmit them at an early da
2. The Coll r is also requested to
send for the Board's perusal
his D Dis. 87 Confdl dy 9.10.13.

28/4

29/4

R. 15. 5. 33

RECDATTACHED
MAY 1933

To the Coll r of Bellary

C.F. 32

Revenue. DEPARTMENT.

25

In reply, please quote number, date and short title.*

Received *Registered* B 2349

BOARD OF REVENUE
5 - MAY 1933
LAND REVENUE AND SETTLEMENT

From (Name) F. W. Stewart Esq., C.I.E., I.C.S.,

(Designation) Collector,

Post Box ____, (Station) Bellary.

Telegraphic Address ____

Petition & enclosure received on 8/5/33. Vide Supar/p 274.
SM 12/5

To The Secretary to the Commissioners,

Land Revenue and Settlement, M a d r a s.

Ref C. *No.* 5758/32 A3, *dated* 3rd May 19 33

Sir,

ENCLOSURES

Sent By Regd.

SPARE COPIES

Recd on 8/5/33 - Supar/p 274.

p 234.

* Assessment- Ground rent- Bellary Town- Balke's Choultry Inam lands- Extension of buildings enhancement- Thimmakrishna Rao's petition- Submitted.

Ref:- Board's Ref B. 5509/32-2 dated 29-4-33.

H 1-12 Cf

I enclose herein the appeal petition of Thimmakrishna Rao with its enclosures and also my office file D.Dis. 87 Confidential dated 9-10-13 called for in the Board's Reference quoted above.

4.5.33

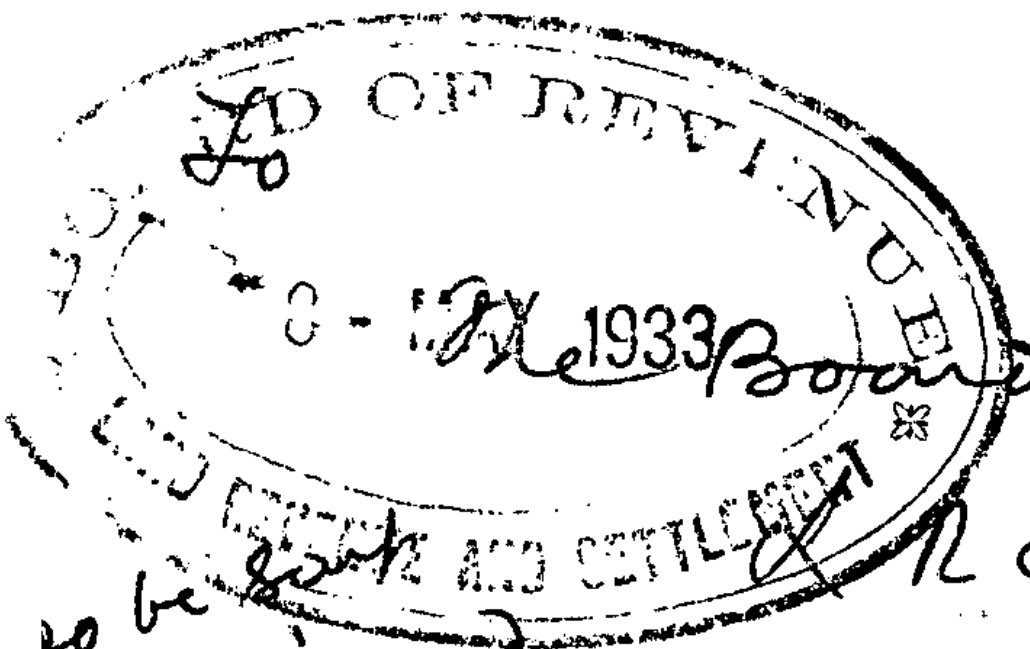
K.H. 4/5

For Collector.

Returns to Collector's

Ref No 5758/33 A3

3.5.33



To Board of Revenue

Madras

R. F. XXII-A-19—28,004—15-3-32 (6)

FOR MEMBER

Subject.

Assessment - Ground rent (Bella
- Bellary Tk Town - Blakes choultry inam
lands - Extension of buildings - Enhance-
-ment - Thimmakrishnarao MRA 14 -
Appeal - ~~Dismissed~~ Ors. modified

READ AGAIN B. P. No. _____, dated _____ 193

" " " _____, " _____ 193

READ ALSO :—

Register No. B.5509/32 From the Q to both. No. ~~dated~~ dated _____ 193

BBs Rep B 5509-32-1 d 7.10.32 — Q to CM & BB to pet
" " B.2106/33 " — ff 15.4 Cf. Q to CM & BB to pet. " " 193
BBs Rep B 5509-32-2 d 29.4.33 — Q to CM & BB to pet p 23 Cf
" " B.2349/33 — Q to CM & BB to pet p 25 Cf 193

RESOLUTION.

No. 1439 dated 22-5- 1933.

In 1920 it was discovered that the appellant had raised further buildings and that in 1931 he had made further extensions. On the unauthorised extensions made prior to 1920 ground rent was levied at the rate of Rs 12-8-0 an acre and the appellant was informed that further unauthorised extensions would be charged with ground rent at Rs 25/- an acre. The Board sees no reason why the extent built upon prior to 1920 and charged with ground rent at Rs 12-8-0 an acre should not be

be charged with ground-rent at Rs 25/- an acre along with the new area built upon in 1931. It therefore ~~notified~~ set aside the Coll:r's Order R.Dis C. 366/31 dt 14.5.32 so far as it relates to the appellant and directs that only the further extension made in 1931 would be charged with ground rent at Rs 25/- an acre.

2) In paras 3 & 4 of the Coll:r's first letter read above it is stated that the appellant raised further buildings in 1920 and '31 over an area of 4 and 5 cents respectively but the total extent built upon is reported to be only 8 cents ~~instead of 9 cents~~. The Coll:r is requested to rectify the error before giving effect to the orders in para 1 above.

3) The petitioner is referred to the Coll:r of Bellary for orders on his petition to the Board

SDS
12/
6/
28/5.

To the Coll:r of Bellary with a spare list returned
The pet:r (para 3 only)

Date 6/28/5

M.R.Ry M. Tummalakrishnaiah
Advocate, Satyanarayanapet.
Bellary.

Last year's records
(1) Coll:r's R.Dis 2.366/30 dt 10.10.32
(2) ~~R.Dis~~ Coll:r's R.Dis 87 Confdl dt 9.10.32
(3) 2 sketches.

NOTE FILE

Assessment . Ground rent (Bellary) . Bellary town Blake's choultry maramat Extension of buildings - Enhancement - Trimakrishna Rao Petr

B 5309/32 ff 1-5 & 10

To AS.

Pl. see the petrs at ff 1-5 & 10. The Coll's order petitioned against is dated 14. 5. 1932 The petitioner states that he came to know of the order on or about 3. 8. 1932 on ~~receipt~~ on receipt of the village headman's notice dated 1. 8. demanding a penalty of Rs 2/ After that he applied for a copy of the order and has subd it. The petitioner's statement may be taken as correct, as there is no indication in the copy of the Coll's order that it was communicated to the parties and as per para 4 of the order contained ~~in~~ / was only a direction to the

Tahsildar. The petitioner may be held to be in time

If the petitioner represents that ~~the levying~~ the penalty ~~was~~ levied was ~~levied~~ under the Land Encroachment Act, that the levy is illegal as no notice was previously served that no unauthorised ~~extension~~ additions to the existing buildings was made that what are called new extensions are an old thatched room and an attached shed which was previously thatched, but now tiled over and that two rooms which has been newly built by the side of channel running south of the petitioner's plot had been demolished 4 or 5 years back and ~~are not~~ should not be treated as new extensions as they are not existing now. He further represents that as the execution of the order levying penalty is threatened stay may be granted.

There is nothing in the Collr order to show that it was passed under the Land Encroachment

1 ad
Prosn
Ht 5 f 6.10.32

Act. It is clear that the Coll. took action under the provisions in G.O 2822 Rev. S. 22.9.1913 of which the petitioner is aware. The petr has not obtained a sub: an extract from the statement referred to in para of the Coll's order and hence it is not possible to examine the petr's representations about the unauthorised extension against which the Coll. has taken action. If the Board considers that the Coll's order would have been correct, may be dismissed summarily. Otherwise records may be called for. In any case, there is no reason to grant 'Stay', as, if the Board after perusing the records, decides to cancel the Coll's order, the penalty collected may be refunded to the petr by order.

The Coll. has enhanced the ground-rent only in respect of the unauthorised extension

is not an extension is hardly believable. There seems to be no grounds for calling for records The petn may be dismissed.

W 5/10/33 Stay may be refused as the petitioners allegations are not met in the collectors order records may be called for.

W for R

Draft
from

Typed.

Draft sub^d

Sd
from

W 7/10

J. & E.

Documents No (1) submitted for approval

Sd

DESPATCHED
21 APR 1933

To A.S.I (LR)

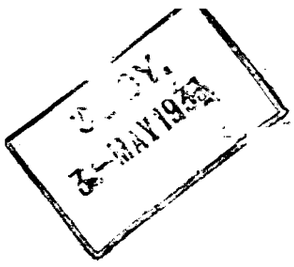
B.d's Rej. B. 5509-32-1 dt. 7.10.32

f. B. 2106/33

The Coll.r has not resubd. the appeal pet.n and enclosures sent him with the B.d's Rej at p.13 f. He may be requested to resubmit them.

2. The Coll.r states that in his O.O. 87 compld dt. 9.10.13 an extent of 3.2 acres was assigned to the appellant ordered the subject to the Condition that if further buildings were constructed without the Coll.r's approval the grow rent fixed for the land would be enhanced. He has not submitted the file. It may be called for on verified Draft.

28/11.



b282
3.5.33.

Collector's
Office

Dated 1st May 1933.

Dear Mr. MacEwen,

P4N.F. Your D.O.No.1 dated 21.4.33
on Board's Ref.D. 5509
P13 cf. of 32.1. dated 7.10.32.

Reply to the Board's Refer-
ence was submitted in my Refer-
ence C.No. 5758/32 A.3 dated
17.4.33.

Yours sincerely

A.R. MacEwen Esq., I.C.S.,
Secretary to the Board
of Revenue, Land Rev.
and Settlement,
Madras

to A.S.(LR)

Filed.

as the Coll's report was recd on 21.4.33 and a reference has been issued vide p.23

Ble 4.5.33.

20 4/5

M
S

A.S. (LR)

Thro Fee

(In time.) 13/5

p23cf.

p25cf.

Jo A.S. (LR)

Board's Ref Bo. 5509-32-28 29.4.33.

B. 2349/33.

Pl. see the appeal petition at pp 1-5 cf. and the Coll's letters at pp. 15-19 and 25 cf.

2. The Coll. has in his letter at pp 15-19 cf dealt with all the points raised in the appeal petition.

3. The following points require consideration:-

p 15 2 cf (X)
p 14 g (M)

The order of assignment based on his R.6. at (M) was subject to the condition that the ground-rent levied on the plots will be subject to revision. The petitioner himself admits that the increased rate of Rs 12. 8. 0 Lanaee was levied with at the last resettlement of 1925. His request

p 15 2 cf (X)

that it should be reduced to Rs 6. 4 0. Lanaee which was his old rate deserves no consideration.

B 15.5.33

A.M. 16.5.33.

4. As regards the point that there has been no extension in the buildings it is submitted as follows:- A Comparison of the sketches at (L) and (R) indicates clearly that there have been extensions in 1920 and 1931. The

1 to 3 cf (U)

plot belonging to the petr. is in S. No 850/11. The

The working sheet at page 21 of shows the extent of the new extensions. In para 3 of his letter at p 17 of the Coll^r has stated that the extension in 1920 was over an extent of 4 cents. In para 4 it has been stated that the extension in 1931 was over an extent of 5 cents. The total of the two extensions is however reported to be 8 cents and an enhanced ground-rent of Rs 25/- has been charged at Rs 25/- an acre. The total extent charged for at the enhanced rate is therefore 8 cents. There is, however, an error in the extents now reported to have been occupied in 1920 or 1931. The point for consideration is whether the enhanced rate of ground-rent at Rs 25/- should be charged for the extension made in 1920 also in view of the fact that it had already been dealt with by the Coll^r in his Proc^s at (U) by the levy of ground-rent at Rs 12-8-0. It appears that as no one to enhance the rate for that portion the Coll^r had clearly stated that only future unauthorised extensions will be charged at Rs 25/- an acre. If the Board agrees the only the extension made in 1931 should be charged at the rate of Rs 25/- an acre the Coll^r's order may be modified in

to what extent and he may be directed to levy that rate only for the extension made in 1931. His attention will be drawn to the discrepancy in the extents reported in paras 3 & 4 of his letter. The ptr might be referred to the CWC for orders. for orders.

19/15-5-33

19/15-5-33

Chf/16.5.33.

SLS 12/5

Chf.

W 18/5/33

SECY. 19 MAY 1933

To A.S. (LR)

A.S. (LR) Box

Draft subd

SLS 22/5.

22/5